

MINUTE ENTRY
FALLON, J.
April 25, 2003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: PROPULSID : **MDL NO. 1355**
PRODUCTS LIABILITY LITIGATION : **SECTION "L"**
 : **JUDGE FALLON**
..... :

THIS DOCUMENT RELATES TO THE FOLLOWING CASES:
ALL CASES

Following this Court's monthly status conference, the Court convened a telephone status conference to discuss issues relating to the Plaintiff Liaison Committee's ("PLC's") third party subpoena duces tecum issued to McKinsey & Co. Participating in the conference were Leonard Davis on behalf of the PLC, Monique Garsaud on behalf of the Defendants, and Brian M. Cogan, representing McKinsey. The Court reporter was Karen Ibos. Counsel discussed McKinsey's objections and issues relating to the subpoena.

The Court noted that its authority over this matter derives from 28 U.S.C. § 1407, which establishes the jurisdiction of multidistrict litigation transferee courts, such as this Court. Section 1407 provides in pertinent part that "[t]he judge or judges to whom such actions are assigned ... may exercise the powers of a district judge in any district for the purpose of conducting pretrial depositions in such coordinated or consolidated pretrial proceedings." *Id.* After reviewing the case law on the subject, the

Court concludes that it has jurisdiction over the subpoenas issued to McKinsey; furthermore, this Court sits as a Court in the Southern District of New York, where the subpoena duces tecum was issued. *See, e.g., In re Corrugated Container Anti-Trust Litigation*, 620 F.2d 1086, 1090-91 (finding that a MDL transferee court may entertain discovery matters in other districts, but sits as a court of that district when so ruling on such matters).

Turning to the specific issues of the McKinsey subpoena, counsel for the PLC and McKinsey informed the Court that they had reached an agreement as to the scope of the subpoena. Furthermore, the PSC indicated that it would abide by the provisions of Pretrial Order No. 5 (PTO-5) regarding confidentiality of all items produced pursuant to the subpoena. Accordingly, this Court, exercising its authority under 28 U.S.C. § 1407 and sitting as a Court in the Southern District of New York, hereby ORDERS that all provisions of PTO-5 shall extend to all matters produced by McKinsey & Co. pursuant to the subpoena duces tecum issued by the PLC in this case. IT IS FURTHER ORDERED that the Clerk of Court shall forward a copy of this Minute Entry to Mr. Cogan at the location provided below.

**CLERK TO SERVE:
MR. BRIAN M. COGAN, ESQ
VIA FAX: 212-806-6006**